Canadian Environmental Assessment Agency
Agence canadienne d'évaluation environnementale

PROJECTS ON FEDERAL LANDS

# Making a determination under section 67 of the *Canadian Environmental Assessment Act, 2012*

December 2014

Canada

**Disclaimer:** The approach in this guide is presented as an option and is intended to assist authorities in implementing section 67 of *the Canadian Environmental Assessment Act, 2012*. Adoption of this approach is not mandatory nor does it supersede or replace departments' or agencies' authority to put in place their own processes and requirements for proposed projects.

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# Introduction

On July 6, 2012 the *Canadian Environmental Assessment Act, 2012* ('CEAA 2012') came into force. Projects that may require an environmental assessment are set out in the *Regulations Designating Physical Activities*. CEAA 2012 distinguishes between "designated projects" and "projects", with an environmental assessment only being required by the former.

However, Authorities, which are federal authorities under CEAA 2012 and any other body defined in Schedule 3 of CEAA 2012, are required by Section 67 to determine whether projects on federal lands are likely to cause significant adverse environmental effects. This obligation applies when an Authority proposes to carry out a project or before it exercises a power or performs a duty or function that could permit the project to proceed.

CEAA 2012 leaves the approach of how to conduct these determinations up to individual Authorities. This guidance document outlines one mechanism to meet the requirement of section 67 of CEAA 2012. The tools presented in this guide can be adapted to meet the needs of Authorities. This guide can also be used as a starting point for the development of "class" templates so that projects falling within a class can be examined efficiently by pointing to analysis and mitigation measures already recorded in the template.

## OBJECTIVES

This guidance document has three main objectives:

1. To act as a resource for Authorities' existing and future approaches to promote compliance with responsibilities defined under Section 67 of CEAA 2012, and share potential best practices;
2. To act as operational guidance for Authorities; and
3. To act as a potential starting point for inter-Authority collaboration when responsibility for Section 67 determinations is shared between multiple Authorities.

## WHO SHOULD USE THIS GUIDE

This guide is intended to be used by officer(s) responsible for determining if a proposed activity[1] falls under CEAA 2012 and, if so, if it is likely to cause significant adverse environmental effects.

## WHEN SHOULD THIS GUIDE BE USED?

This guide should be used prior to the Authority making any final decisions to carry out a project or that could enable a project to proceed.

## HOW THIS GUIDE IS ORGANIZED

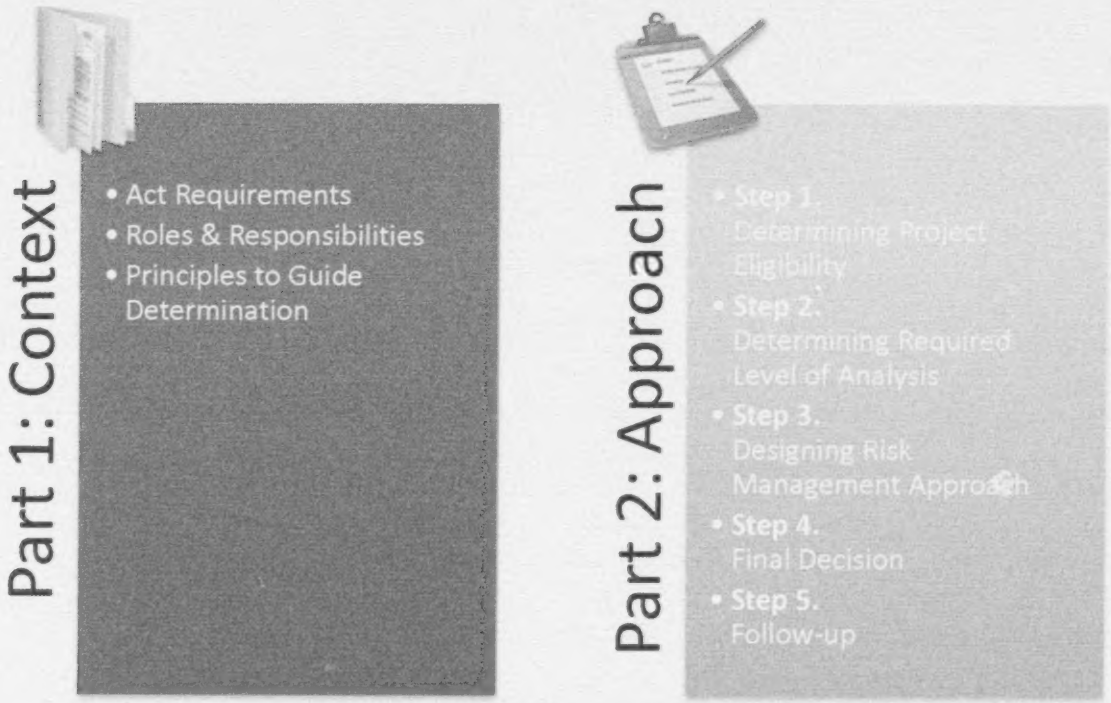
This guide is organized into two main parts.

[1] Note that the term "proposed activity" is used up until the proposed activity is established as being a "project" according to CEAA 2012 (Step 1b)

*Part One: The Context* includes background information related to legal requirements; principles to guide determinations; and roles and responsibilities.

*Part Two: The Approach* details a process for the Authority to use to check if a proposed project is likely to cause significant adverse environmental effects.

**Figure 1: Guide Organization**


Part 1: Context
• Act Requirements
• Roles & Responsibilities
• Principles to Guide Determination
Part 2: Approach
• Step 1. Determining Project Eligibility
• Step 2. Determining Required Level of Analysis
• Step 3. Designing Risk Management Approach
• Step 4. Final Decision
• Step 5. Follow-up

# PART 1: CONTEXT

# Act Requirements

CEAA 2012 includes specific requirements for Authorities around considering the likelihood of significant adverse environmental effects of a project. To assist Authorities in understanding these requirements, the key legislative obligations are described in the following sections. Additionally, a listing of definitions relating to Section 67 of CEAA 2012 is presented in Appendix A (also denoted in highlighted text, linking to the definition).

> *Subsection 4(2) of CEAA 2012*
> *"The Government of Canada, the Minister, the Agency, federal Authorities and responsible Authorities, in the administration of this Act, must exercise their powers in a manner that protects the environment and human health and applies the precautionary principle"*

The purpose of this Act, with respect to federal lands, includes the requirements to:

- Ensure that projects, as defined in section 66, that are to be carried out on federal lands, or those that are outside Canada and that are to be carried out or financially supported by a federal authority, are considered in a careful and precautionary manner to avoid significant adverse environmental effects; and
- Encourage federal authorities to take actions that promote sustainable development in order to achieve or maintain a healthy environment and a healthy economy.

## ENVIRONMENTAL EFFECTS (SECTION 5)

All environmental effects considered under section 67 of CEAA 2012 must result from a component of the project located on federal lands.

### Environmental effects on federal lands

**Biophysical Effects**: any changes to the environment occurring on federal lands that are caused by the project are covered (see definition of "environment" in section 2 of CEAA 2012), as per subparagraph 5(1)(b)(i).

- This means that all effects that the project causes to the environment can be considered without regard as to whether the effects are on "federal components of the environment" such as fish or migratory birds. In other words, the scope is as broad as the environment is. Effects to be examined can include air quality, water quality, soil, plants and wildlife, etc.

**Socio-Economic Effects**: effects of any changes to the environment on Aboriginal peoples, as per paragraph 5(1)(c), or the effects in several socioeconomic and cultural areas of a change to the environment that is linked to a federal decision, as per paragraph 5(2)(b).

### Environmental effects outside federal lands

**Biophysical Effects**: changes that:

- may be caused to fish and their habitat, shellfish and their habitat, crustaceans and their habitat, marine animals and their habitat, marine plants and migratory birds, as per paragraph 5(1)(a);

- may occur in another province or outside Canada without regard as to whether the effects are on "federal components of the environment"; or
- are linked to a federal decision, as per paragraph 5(2)(a) without regard as to whether the effects are on "federal components of the environment".

**Socio-Economic Effects**: effects of any changes to the environment on Aboriginal peoples, as per paragraph 5(1)(c), or the effects in several socioeconomic and cultural areas of a change to the environment that is linked to a federal decision, as per paragraph 5(2)(b).

## FEDERAL LANDS (SECTION 67)

Under the federal lands provision of CEAA 2012, an Authority must not make a decision about projects [2] on federal lands unless the project is determined to be unlikely to cause significant adverse environmental effects or the Governor in Council (GIC; i.e., Cabinet) decides that those effects are justified under subsection 69(3) of CEAA 2012. Authorities are required to consider the likelihood of significant adverse environmental effects before a project can proceed. Section 68, which covers projects outside of Canada, is not covered by this guidance document.

## REFERRAL TO GOVERNOR IN COUNCIL (SECTION 69)

If an Authority determines that the carrying out of a project on federal lands is likely to cause significant adverse environmental effects and the Authority would like the project to proceed, the Authority must refer the project to the GIC to decide whether those effects are justified in the circumstances. If the determination is made by an Authority other than a federal Minister, the referral will have to be made through the federal Minister responsible before Parliament for that Authority. When a matter has been referred to the GIC, the GIC must decide whether the significant adverse environmental effects are justified in the circumstances and must inform the Authority of its decision.

## EXEMPTIONS (SECTION 70)

Section 70 of CEAA 2012 identifies specific circumstances under which an Authority will not have to determine whether a project is likely to cause significant adverse environmental effects before the project can proceed on federal lands. These include:

- Instances where there are matters of national security in relation to a project;
- When a project is to be carried out in response to a national emergency for which special temporary measures are being taken under the *Emergencies Act*; or
- When a project is to be carried out in response to an emergency, and carrying out of the project without delay is in the interest of preventing damage to property or the environment or is in the interest of public health and safety.

## REPORTING (SECTIONS 71 & 72)

CEAA 2012 also sets out requirements for annual reporting.

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[2] In this instance, 'decision about projects includes carrying out a project or exercising any power or performing any duty or function conferred on it under any Act of Parliament other than CEAA 2012

- Under section 71 a Federal Authority must, at the end of each fiscal year, report to both Houses of Parliament on its activities under sections 67 to 69 during the previous fiscal year.

- Under section 72 the Authorities set out in Schedule 3 of CEAA 2012 are required to report on their activities under Section 67 to 69 during the previous year and make that information available to the public.

*Note: This guide does not provide guidance on reporting requirements.*

# Roles and Responsibilities

Many organizations, agencies and departments may be implicated by the requirements under CEAA 2012. To help ensure consistency in determination approaches across these different organizations, the following sections delineate the key roles and responsibilities.

## AUTHORITIES

An Authority is defined in section 66 of CEAA 2012 as a Federal Authority; and any other body that is set out in Schedule 3 of CEAA 2012[3].

A Federal Authority is defined in section 2(1) of CEAA 2012 as: a Minister of the Crown in right of Canada; an agency of the Government of Canada or a parent Crown Corporation, as defined in subsection 83(1) of the *Financial Administration Act*, or any other body established by or under an Act of Parliament that is ultimately accountable through a Minister of the Crown in right of Canada to Parliament for the conduct of its affairs; any department or departmental corporation that is set out in Schedule I or II to the *Financial Administration Act;* and any other body that is set out in Schedule 1 of CEAA 2012.

An Authority has the discretion to decide how to conduct its determination of whether or not a project is likely to cause significant adverse environmental effects. The Authority is, however, bound by section 5 of CEAA 2012 which describes the environmental effects that are to be taken into account.

## MULTIPLE AUTHORITIES

It is likely that, for some projects on federal lands, more than one Authority may have responsibilities under Section 67. Authorities that are required to make a determination of significance on the same project are encouraged to work together in completing their analysis or producing a single report[4]. Each Authority will be required to make their own determination.

[3] At the time this document was produced, the only Authorities that are not federal Authorities are designated airport Authorities as defined in subsection 2(1) of the *Airport Transfer (Miscellaneous Matters) Act*.

[4] Legislated requirements for cooperation and coordination are limited to designated projects under CEAA 2012; however this guide recommends coordination and cooperation in order to better ensure efficiency and efficacy of the process.

### EXPERT DEPARTMENTS

Authorities may need to seek expert advice from other federal departments or agencies when making determinations. Expert departments and agencies are encouraged to work cooperatively and respond to requests for information and expertise in a timely manner. These departments and agencies are those that possess specialist information or knowledge with respect to a certain area that would be valuable in making a project determination.

## Principles to Guide Determinations

There are a common set of principles which can guide all Authorities' determination processes.

- ***Accountability*** – There should be clear accountability for ensuring environmental reviews are conducted and documented and results are reported.
- ***Analytical soundness*** – The research and analysis must be accurate and defensible, based on the best available information.
- ***Application of professional judgement*** – All else notwithstanding, professional judgement should be applied at every step in this process to ensure environmental protection and sound decision making.
- ***Appropriate level of effort*** – The approach and depth of analysis should be commensurate with the risk and likelihood of significant adverse environment effects associated with carrying out the project.
- ***Appropriate use of precedent*** – Decisions around similar projects should be taken into account.
- ***Cooperation*** – Authorities are encouraged to work cooperatively with one another on multi-jurisdictional projects.
- ***Precautionary approach*** – Environmental protection and avoidance of likely significant adverse environmental effects should not be postponed for lack of full scientific certainty.

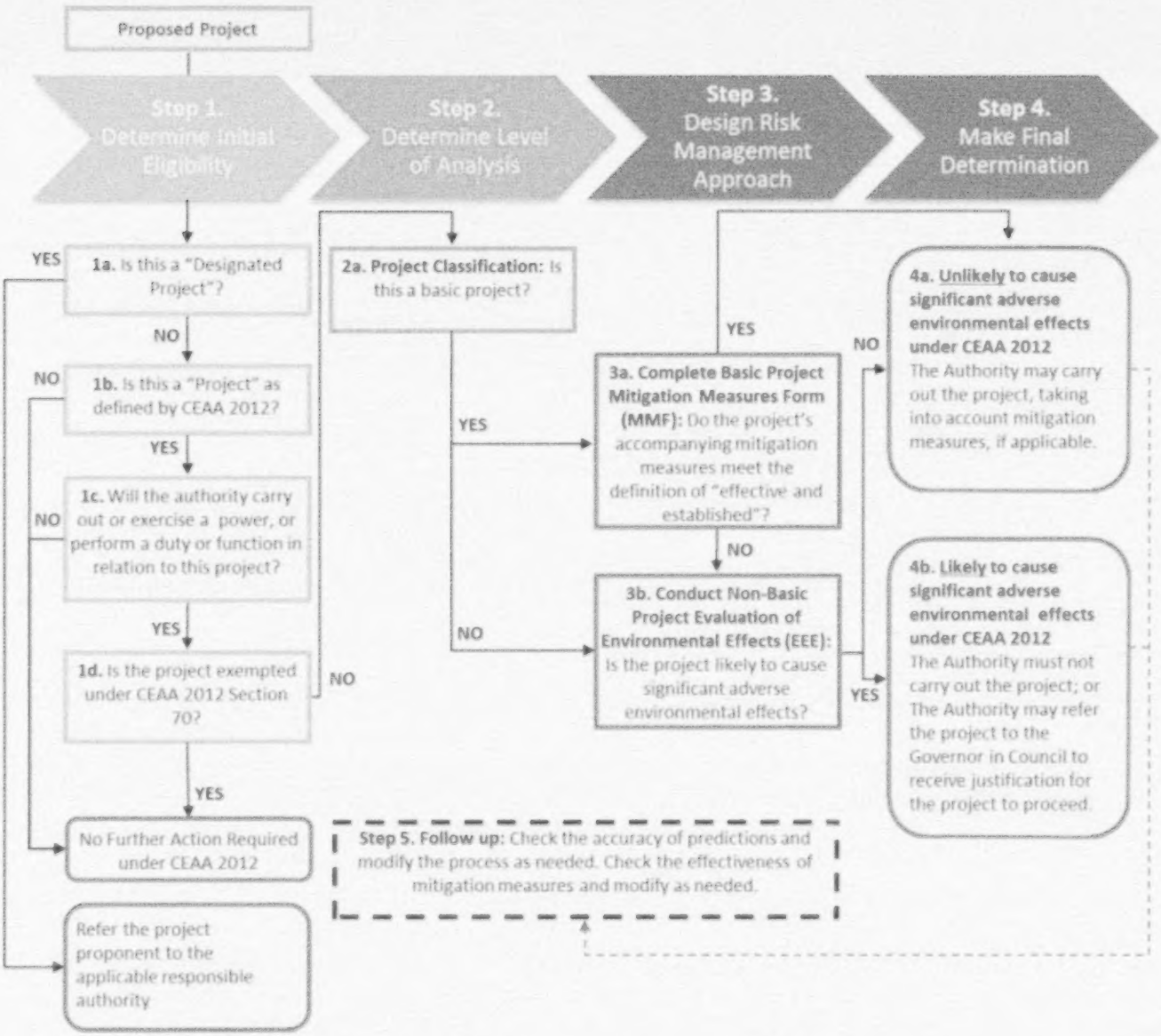
# PART 2: The Approach

# Approach Overview

Figure 2 below depicts the approach suggested by this guide in determining a project's likelihood to cause significant adverse environmental effects on federal lands. The approach is divided into essentially four steps, with a range of associated sub-steps. Step 2 corresponds with a checklist of criteria found in Appendix B. Likewise, Steps 3a and 3b correspond with forms found in Appendices C and D. Specific guidance around completing these tools is found in the corresponding sections in this document. Users should refer to those individual steps on an as-needed basis for guidance rather than reading it through, end-to-end. It should be stressed that no guide, however thorough, can substitute for informed judgement. This guide is written at a general level in order to be relevant for the whole of government, but it cannot anticipate the full range of projects that Authorities will manage.

To maximize efficiency, the guide is structured to classify early on whether and what level of analysis of environmental effects is needed. The application of these steps will ensure the level of effort is commensurate with the level of potential environmental risk. However, once it is decided that a project needs to be reviewed for its environmental effects, the guide lays out a series of steps to promote effective protection of the environment. The guide utilizes "Answer Keys" at the end of select steps to confirm the conclusion reached, its meaning and the appropriate next steps.

**Figure 2: Determination Approach Flow Chart**


Proposed Project
Step 1. Determine Initial Eligibility
Step 2. Determine Level of Analysis
Step 3. Design Risk Management Approach
Step 4. Make Final Determination
YES
1a. Is this a "Designated Project"?
NO
NO
1b. Is this a "Project" as defined by CEAA 2012?
YES
NO
1c. Will the authority carry out or exercise a power, or perform a duty or function in relation to this project?
YES
1d. Is the project exempted under CEAA 2012 Section 70?
NO
YES
No Further Action Required under CEAA 2012
Refer the project proponent to the applicable responsible authority
2a. Project Classification: Is this a basic project?
YES
NO
3a. Complete Basic Project Mitigation Measures Form (MMF): Do the project's accompanying mitigation measures meet the definition of "effective and established"?
YES
NO
3b. Conduct Non-Basic Project Evaluation of Environmental Effects (EEE): Is the project likely to cause significant adverse environmental effects?
NO
YES
4a. Unlikely to cause significant adverse environmental effects under CEAA 2012
The Authority may carry out the project, taking into account mitigation measures, if applicable.
4b. Likely to cause significant adverse environmental effects under CEAA 2012
The Authority must not carry out the project; or
The Authority may refer the project to the Governor in Council to receive justification for the project to proceed.
Step 5. Follow up: Check the accuracy of predictions and modify the process as needed. Check the effectiveness of mitigation measures and modify as needed.

# Step 1: Determine Initial Eligibility




This first step will guide the Authority through deciding whether a project meets the basic criteria in order to trigger a Section 67 requirement under CEAA 2012. As depicted in Table 1 below, this step is organized into four questions, with one answer to each question representing a quick "off-ramp" from the section 67 determination process (represented in Table 1 by [redacted]), therefore resulting in no further action

required regarding section 67 obligations.

**Table 1: Step 1 Questions**

| | | | |
|---|---|---|---|
| **1a.** | Is this a "designated project"? | **YES** | **NO** |
| **1b.** | Is this a "project" as defined by section 66 of CEAA 2012 | **YES** | **NO** |
| **1c.** | Will the Authority carry out the project or exercise a power, or perform a duty or function in relation to this project? | **YES** | **NO** |
| **1d.** | Is the project exempted under CEAA 2012 section 70? | **YES** | **NO** |

## 1a. IS THIS A 'DESIGNATED PROJECT'?

Only designated projects may undergo an environmental assessment under CEAA 2012.

Designated projects are those with the greatest potential to cause significant adverse environmental effects. Consult the *Regulations Designating Physical Activities* for a listing of these projects. Where designated projects require environmental assessments, they are excluded from consideration under section 67.

### 1a Answer Key: Is this a *Designated Project*?

| **If you Answered...** | **YES** | **NO** |
|---|---|---|
| **This means that...** | The proposed activity is a *designated project* and as such does not fall under s67. Only Responsible Authorities are required to perform environmental assessments on designated projects | The proposed activity is not a *designated project*. |
| **You should now...** | Contact the appropriate Responsible Authority | Continue to Step 1b |

## 1b. IS THIS A 'PROJECT'?

A 'project' is defined by section 66 of CEAA 2012 as a physical activity that is carried out on federal lands or outside Canada[5] in relation to a physical work and is not a designated project. Projects on federal lands are subject to a determination under section 67 of CEAA 2012[6]. As designated projects were previously covered in Step 1a, this step will focus on the three remaining criteria which must be met in order for a proposed activity to qualify as a 'project' subject to a determination under section 67 of CEAA 2012; a *physical activity* in relation to a *physical work* located on *federal lands*.

[5] Note: for the purpose of this Section 67 Approach, projects taking place outside of Canada are not included.
[6] Unless application of section 67 is exempted under section 70 of CEAA 2012

**Figure 3: 'Project' Criteria**

| | | | |
|---|---|---|---|
| A physical activity consists of carrying out tasks or actions involved with construction, modification, operation, and decommissioning (i.e. involving a degree of physical effort) | A physical work includes structures that have been built by humans and that have a defined area and fixed locality (i.e. has a local permanence) | Federal lands as defined by section 2(1) of CEAA 2012 (e.g. national parks, military bases, First Nation reserves, etc.) | In order to be considered a 'project' under Section 67, the proposed activity must meet all three of these conditions. |

The proposed activity must meet all three of the above criteria to be considered a project under CEAA 2012. To summarize, this means carrying out tasks or actions such as construction, operation, modification or decommissioning in relation to a new or existing physical work (e.g. bridge, building, road, or pipeline) situated in part or fully on federal lands. See Table 2 below for descriptions and examples of activities which can easily be mis-identified as projects, but which do not meet the definition put forth in CEAA 2012.

**Table 2: Examples of activities that are not projects under CEAA 2012**

| | ● + ● | ● + ● |
|---|---|---|
| | **Physical Activities *not* related to physical works on federal lands** | **Non-physical activities related to a physical works on federal lands** |
| Description | Tasks or actions not involving a fixed structure | Activities which do not involve any degree of physical effort but are carried out in relation to physical works |
| Examples | • Bird Banding in a Migratory Bird Sanctuary<br>• Stand-alone remediation of contaminated soil<br>• Grazing cattle on federal lands.<br>• Pesticide spraying | • Acquisition or sale of a federal building<br>• Transfer of administration and control of federal real property |

1b Answer Key: Is this a *'project' under section 66 of CEAA 2012*?

| If you Answered... | YES | NO |
|---|---|---|
| This means that... | The proposed activity meets the definition of a project under CEAA 2012 Section 66. | The proposed activity does not meet the definition of a project under section 66 of CEAA 2012. The Authority has no more responsibilities under CEAA 2012 pertaining to this activity |
| You should now... | Continue to Step 1c | End of the process. No further action required under CEAA 2012. |

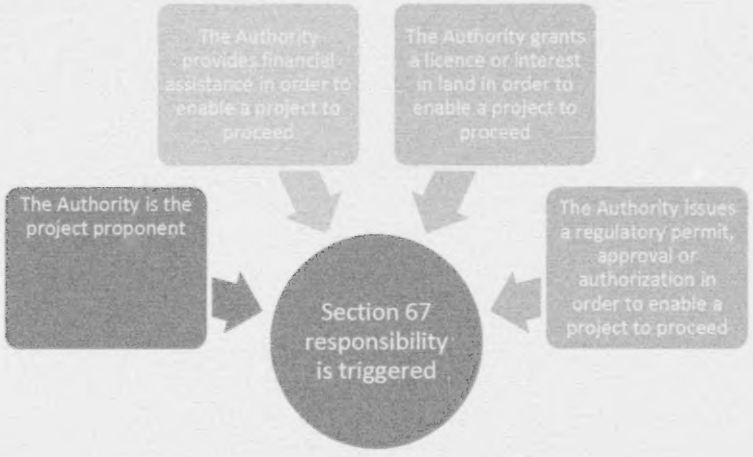
## 1c. DOES THE AUTHORITY CARRY OUT THE PROJECT, OR EXERCISE A POWER OR PERFORM A DUTY OR FUNCTION IN RELATION TO THIS PROJECT?

Another way of phrasing this question is: "Does the Authority have a decision to make that could enable this project to proceed?" As described in greater detail below, this runs the full spectrum of involvement in a project, from being the project proponent to supplying some amount of funding to allow the project to proceed. Any and every Authority playing an enabling role is responsible for making a determination of significance under section 67.

In some instances, there will be multiple Authorities with responsibilities to carry out determinations. In these instances, a lead Authority will normally be chosen to coordinate the efforts of all Authorities involved.

There are four instances which will trigger a responsibility under Section 67 as laid out in Figure 4.

**Figure 4: Section 67 Triggers**


The Authority provides financial assistance in order to enable a project to proceed
The Authority grants a licence or interest in land in order to enable a project to proceed
The Authority is the project proponent
The Authority issues a regulatory permit, approval or authorization in order to enable a project to proceed
Section 67 responsibility is triggered

- **The Authority is the project proponent**: The 'project proponent' is the Authority that has overall control and responsibility for the project.

- **The Authority provides financial assistance in order to enable a project to proceed**: This includes any amount of funding that is specific to allowing the project to proceed. Funding which is part of a block or bulk funding arrangement that is not specifically linked to the project does not trigger a section 67 responsibility.

- **The Authority grants a licence or interest in land in order to enable a project to proceed**: This applies in cases where the Authority is the federal land administrator and must grant permission to another party to proceed with a proposed project on their land.

- **The Authority issues a regulatory permit, approval or authorization in order to enable a project to proceed**: In cases where a permit, approval or authorization is required for a project to proceed, the issuing Authority has a responsibility to make a determination under section 67.

1c Answer Key: Does the Authority carry out the project, or exercise a power or perform a duty or function in relation to this project?

| **If you Answered...** | **YES** | **NO** |
|---|---|---|
| **This means that...** | The Authority meets one or more of these criteria and as such has a responsibility under CEAA 2012 to determine the significance of adverse environmental effects | The Authority does not meet *any* of the criteria which trigger responsibility. The Authority has no more responsibilities under CEAA 2012 pertaining to this project. |
| **You should now...** | Continue to Step 1d | End of the process. No further action required under CEAA 2012. |

## 1d. IS THE PROJECT EXEMPTED UNDER CEAA 2012?

Section 70 of CEAA 2012 identifies specific circumstances under which an Authority will not have to determine whether a project is likely to cause significant adverse environmental effects before the project can proceed on federal lands. These include:

- Instances where there are matters of national security in relation to a project;
- When a project is to be carried out in response to a national emergency for which special temporary measures are being taken under the *Emergencies Act*; or
- A project that is carried out in response to an emergency, and carrying out of the project without delay is in the interest of preventing damage to property or the environment or is in the interest of public health and safety.

Where circumstances allow, Authorities should still apply mitigation measures and do follow-up monitoring on projects exempted under section 70.

1d Answer Key: Is the Project exempted under CEAA 2012?

| If you Answered... | YES | NO |
|---|---|---|
| This means that... | The current activity is exempted under section 70 of CEAA 2012. Carry out the project taking mitigation measures into account, where applicable. | The current activity is not exempted under section 70 of CEAA 2012. The current activity meets all the criteria under CEAA 2012 in order to require a determination of the likelihood of significant adverse environmental effects. |
| You should now... | End of the process. No further action required under CEAA 2012. Where circumstances allow, implement appropriate mitigation measures. | Continue to Step 2 in order to determine the required level of analysis |

# Step 2: Determine Required Level of Analysis

By now it should be clear that the proposed project meets the conditions set out in CEAA 2012 and as such requires a determination of whether it is likely to cause significant adverse environmental effects. Step 2 will guide the Authority in classifying the level of analysis required in completing this determination, the purpose being to complete the determination process as efficiently as possible while still ensuring projects are properly categorized in terms of their likelihood to cause significant adverse environmental effects.

*A Note on Terminology*
Many Authorities use various terms with differing definitions when classifying the risk levels inherent in projects. In order to keep this document relevant across Authorities and avoid confusion, this guide uses the terminology basic and non-basic to describe projects.

## 2a. PROJECT CLASSIFICATION

The purpose of this step is to classify projects as either basic or non-basic, by predicting the project's level of risk to cause adverse environmental effects. This step assists the Authority in determining the level of evaluation required by responding to high level questions meant to gauge the level of uncertainty around the likelihood of the project to result in significant adverse environmental effects.

Basic projects are well understood and known to have insignificant adverse environmental effects or considered unlikely to have residual adverse environmental effects associated with them after mitigation

measures are in effect. Non-basic projects are projects for which there is uncertainty around the potential for environmental effects and where mitigation measures are not known to be effective and established. These projects require a more in-depth analysis.

This guide uses the term "effective and established mitigation measures" to differentiate between those mitigation measures which are well known and reliable and those mitigation measures which require closer analysis and planning. Mitigation measures are considered effective and established if they meet all of the following criteria:

- Have been implemented before in similar situations;
- Are well understood and considered reliable; and
- Are 'Avoid' or 'Reduce' type mitigation measures.

Common mitigation measures fall in these categories:

- Avoid: mitigation measure which avoid the environmental effects all together
- Reduce: mitigation measure which reduce the magnitude or duration of the impact
- Repair: mitigation measure which repair the situation after an environmental effect has occurred
- Compensate: mitigation measure which compensate for the environmental effect through other means.

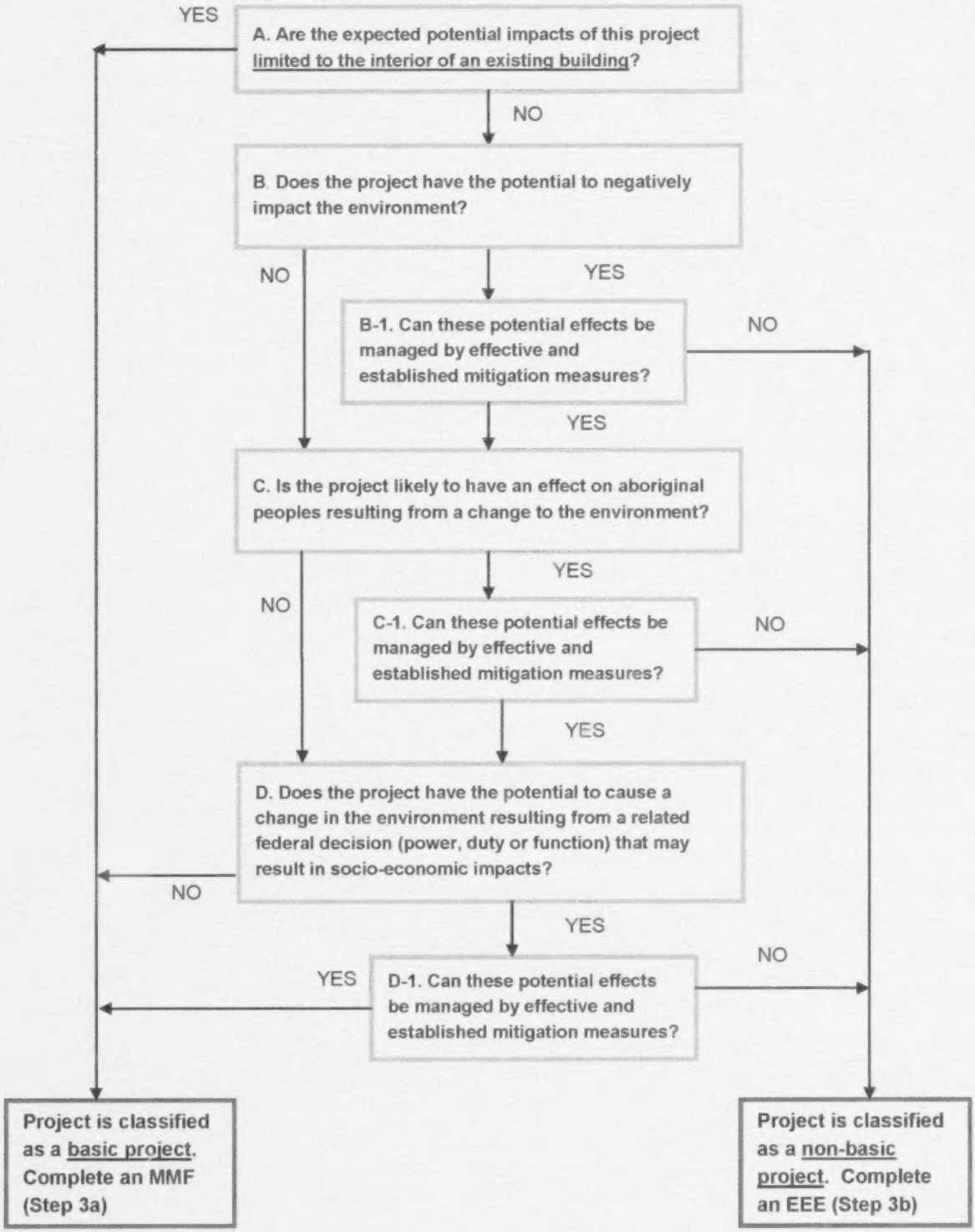
Any and all mitigation measures that may be required for basic projects should meet the above definition of effective and established. In instances where mitigation measures are required, which do not meet this definition, projects should be classified as non-basic. The Project Classification Checklist is a tool available to assist Authorities in classifying projects as either basic or non-basic. The basic project flow-chart (Figure 5) on the following page mirrors the Checklist. Additional guidance and explanations regarding these questions are included within the Checklist. Note that any answers of "unknown" will automatically classify projects as non-basic.

Although there are two categories of projects, basic and non-basic, application of this tool will yield a risk-based approach in which effort and analysis is commensurate with risk. For example, suppose an Authority identifies a project has six potential adverse environmental effects that are likely to be caused by the project, but it can rely on effective and established mitigation measures for five of the effects. In this case, while the project is categorized as non-basic, the level of analysis does not ramp up for each of the six effects. Instead, for the five effects where mitigation measures are effective and established, the level of effort is no different than under a basic project. A deeper analysis is only needed for the sixth effect. The tool is designed to ensure that effort and analysis increases with any increase in the number of likely adverse environmental effects for which effective and established mitigation measures are not available.

The principle of ensuring that effort aligns with risk applies not only in going from a basic to a non-basic project but also in deciding the appropriate level of effort and analysis to apply to projects with very low risk. Authorities may find that some proposed activities are technically "projects" by the definition of CEAA 2012 but have such negligible effects that the effort of completing the Mitigation Measures Form is not commensurate with the risk. For activities such as these, Authorities may wish to develop tools with a lower level of recording burden at the time the employee makes a determination that significant adverse effects are not likely. One example would be the development, with due diligence, of specific categories of lower risk projects. Employees could refer to these categories or classes when they evaluate the

significance and likelihood of adverse effects. An authority could make a determination that significant adverse environmental effects are not likely simply by identifying that the characteristics of the project under question match the characteristics of a particular category of lower risk projects.

Figure 5: Project Classification Flow Chart (see also form provided in Appendix B)


A. Are the expected potential impacts of this project limited to the interior of an existing building?
YES
NO
B. Does the project have the potential to negatively impact the environment?
NO
YES
B-1. Can these potential effects be managed by effective and established mitigation measures?
NO
YES
C. Is the project likely to have an effect on aboriginal peoples resulting from a change to the environment?
NO
YES
C-1. Can these potential effects be managed by effective and established mitigation measures?
NO
YES
D. Does the project have the potential to cause a change in the environment resulting from a related federal decision (power, duty or function) that may result in socio-economic impacts?
NO
YES
D-1. Can these potential effects be managed by effective and established mitigation measures?
YES
NO
Project is classified as a basic project. Complete an MMF (Step 3a)
Project is classified as a non-basic project. Complete an EEE (Step 3b)

*Use Your Judgement!*

Do you agree with the outcome of Step 2a? If not, why not? If you are not confident about your classification it may be worth:

- Contacting a colleague for a second opinion
- Contacting an expert department for advice
- Erring on the side of caution and classifying the project as non-basic (conduct an EEE)

# Step 3: Designing Risk Management Approach

Based on the results of Step 2, projects should be classified as basic or non-basic and will require the completion of either a Basic Project Mitigation Measures Form (MMF) **or** a Non-Basic Project Environmental Effects Evaluation (EEE), respectively. Both options are described below and supporting templates are provided in Appendices C and D.

## 3a. COMPLETE A BASIC PROJECT MITIGATION MEASURES FORM (MMF)

A Basic Project Mitigation Measures Form (Appendix C) should be completed for all proposed projects which are classified as basic projects. Refer to Table 3 for guidance on how to complete the MMF.

As projects falling into this category are generally those for which environmental effects are well understood and any required mitigation measures meet the definition of effective and established, the focus of the MMF will be on:

- Identifying any required effective and established mitigation measures; and
- Acting as a record of determination around significance of environmental effects.

Environmental effects as defined by CEAA 2012 can be broken up into two broad categories; biophysical effects and socio-economic effects. This categorization and the corresponding questions and explanations are based on the section 5 definition of environmental effects in CEAA 2012. This is intended to make identifying environmental effects easier for Authorities. In cases where Authorities are unclear as to whether or not an effect on the environment constitutes an "environmental effect" as defined by CEAA 2012, they are encouraged to consult CEAA 2012 and/or the Agency for more information.

In establishing the potential for significant adverse **biophysical effects**, Authorities should consult the below questions. An answer of "yes" to one or more of the questions will translate to the project having the potential (prior to mitigation measures) to cause adverse environmental effects, and as such will

require the listing of mitigation measures. When considering the scope of environmental effects to be analysed, refer to the section 5 guidance.

- Does the project have the potential to harmfully alter, disturb or destroy vulnerable natural features (e.g. habitat for endangered species, water source for a town, wetlands.)?
- Does the project have the potential to release a polluting substance into the land, water, or air?
- Does the project have the potential to alter landscape features (e.g. resource extraction, deforestation, clearing of vegetation.)?
- Does the project have the potential to affect birds and wildlife (flora and fauna), including species at risk and its critical habitat?
- Does the project have the potential to result in alteration of water level, quality, flow or management regime in a water body, or result in other important changes to surface or groundwater resources (including well-water)?
- Does the project have the potential to cause sensory disturbances such as noise and/or vibrations?

Along with the biophysical effects, Authorities are responsible for determining the likelihood of significant adverse **socio-economic effects** resulting from a change in the environment. Note that CEAA 2012 differentiates between those socio-economic effects which apply to aboriginal peoples, specifically and all people, generally. The following question can be used to determine if the project is likely to cause significant adverse socio-economic effects.

Does the project have the potential to result in changes to the environment that may affect the following socio-economic factors:

- Health and socio-economic conditions (e.g. effect on a commercial fishery resulting from an change in fish population)*
- Physical and cultural heritage*
- Any structure site or thing that is of historical, archaeological, paleontological or architectural significance.*
- With respect to aboriginal peoples, the current use of lands and resources for traditional purposes (e.g. hunting and gathering)

* Applies to non-aboriginal peoples in instances relating to a federal decision (power, duty or function)

**Table 3: MMF Description and Guidance (See also Appendix C for blank MMF)**

| MMF Section | Description And Guidance |
|---|---|
| **Section A:** Project Identification | This section involves basic identification information for the project, its location and the Authorities responsible for making the determination. |
| **Section B:** Project Description and Description of the Environment | This section involves briefly describing the project and any salient details that relate to the potential for environmental effects. The level of detail should be commensurate with the size and complexity of the project.<br>A brief description of the environmental features should also be included. |
| **Section C:** Resources | This section involves listing any resources consulted with regarding the project's potential to cause significant adverse environmental effects. These can include, but are not limited to: expert sources (Government of Canada or other jurisdictions), the public and aboriginal groups. |
| **Section D:** Mitigation Measures Requirement | This section allows for the Authority to expedite the completion of a form by stating that no mitigation measures are required. This is done by establishing that any potential effects are limited to the interior of a building, and/or that there are no potential biophysical or socioeconomic adverse effects related to the project. Consult the above guidance on determining the potential for biophysical and socio-economic environmental effects. |
| **Section E:** Identification of Environmental Effects and Mitigation Measures | This section involves describing any potential environmental effects associated with the project, establishing if they're biophysical, socio-economic or both, and defining the corresponding effective and established mitigation measure which will be used to manage the environmental effect. A row should be completed for each potential environmental effect. |
| **Section F:** Determination | Based on the contents of the form, the Authority determines if a project is likely to cause significant adverse environmental effects. In instances where the Authority believes the project requires further assessment, an Environmental Effects Evaluation (EEE) should be conducted in order to determine significance. |
| **Section G:** Sign-off and Approval | The Authority who completed the form must sign off in section G. In cases where multiple Authorities cooperatively undertook the determination process, each Authority should sign off on the document. |

## 3b. CONDUCT A NON-BASIC PROJECT ENVIRONMENTAL EFFECTS EVALUATION (EEE)

A Non-Basic Project Environmental Effects Evaluation (Form in Appendix D) should be completed for all proposed projects which are classified as non-basic projects.
A project is classified as a non-basic project because:

- The potential environmental effects are unknown, and as such require further analysis; and/or
- One or more mitigation measure that is required does not meet the definition of effective and established.

As such, an EEE is designed to be a robust process for determining the likelihood of significant adverse environmental effects, and outlining required mitigation measures. The following section includes information on identifying potential environmental effects as well as step-by-step guidance on completing the attached EEE Form (Table 4, below).

Environmental effects as defined by CEAA 2012 can be broken up into two broad categories; biophysical effects and socio-economic effects. This categorization and the corresponding questions and explanations are based on the section 5 definition of environmental effects in CEAA 2012. This is intended to make identifying environmental effects easier for Authorities. In cases where Authorities are unclear as to whether or not an effect on the environment constitutes an "environmental effect" as defined by CEAA 2012, they are encouraged to consult CEAA 2012 and/or the Agency for more information.

In establishing the potential for adverse **biophysical effects**, Authorities should consult the questions below. An answer of "yes" to one or more of the questions will translate to the project having the potential (prior to mitigation measures) to cause adverse environmental effects, and as such will require the identification of mitigation measures.

- Does the project have the potential to harmfully alter, disturb or destroy vulnerable natural features (e.g. habitat for endangered species, water source for a town, wetlands.)?
- Does the project have the potential to release a polluting substance into the land, water, or air?
- Does the project have the potential to alter landscape features (e.g. resource extraction, deforestation, clearing of vegetation.)?
- Does the project have the potential to affect birds and wildlife (flora and fauna), including species at risk and its critical habitat?
- Does the project have the potential to result in alteration of water level, quality, flow or management regime in a water body, or result in other important changes to surface or groundwater resources (including well-water)?
- Does the project have the potential to cause sensory disturbances such as noise and/or vibrations?

Along with the biophysical effects, Authorities are responsible for determining the likelihood of significant adverse **socio-economic effects** in certain situations under CEAA 2012. The following question can be used to determine if the project is likely to cause significant adverse socio-economic effects.

Does the project have the potential to result in changes to the environment that may affect the following socio-economic factors:

- Health and socio-economic conditions (e.g. effect on a commercial fishery resulting from an change in fish population)*
- Physical and cultural heritage*
- Any structure site or thing that is of historical, archaeological, paleontological or architectural significance.*
- With respect to aboriginal peoples, the current use of lands and resources for traditional purposes (e.g. hunting and gathering)

* Applies to non-aboriginal peoples in instances relating to a federal decision (power, duty or function)

*Environmental Compliance:*
Authorities should take into consideration legal requirements at the federal, provincial and municipal levels (e.g. *Canadian Environmental Protection Act 1999, Species at Risk Act, Migratory Birds Convention Act, 1994, Fisheries Act*, etc.). The legal obligations on the Authority include notification requirements under section 79 of the *Species at Risk Act*.

**Table 4: EEE Description and Guidance**

| EEE Section | Description And Guidance |
|---|---|
| **Section A:** Project Identification | This section involves basic identification information for the project, its location and the Authorities responsible for making the determination. |
| **Section B:** Project Description and Description of the Environment | This section involves briefly describing the project and any salient details which relate to the potential for environmental effects. The level of detail should be commensurate with the size and complexity of the project.<br>A brief description of the environmental features should also be included. |
| **Section C:** Consultation and Engagement | This section involves listing any sources consulted regarding the project's potential to cause adverse environmental effects. This includes listing activities and issues around:<br>▪ Public concern<br>▪ Public consultation<br>▪ Aboriginal engagement<br>▪ Expert consultation<br>After detailing this information, Authorities should describe how any concerns that were raised in the consultation and engagement processes were addressed. |
| **Section D:** Identifying Environmental Effects | This section offers a tool for Authorities in identifying potential environmental effects. Complete the checklist for each item, identifying whether the environmental component is at risk, and if it is likely to be managed through effective and established mitigation measures, or requires a more robust analysis. This section is provided to help ensure authorities do not overlook potential environmental effects and to inform the completion of Sections E and F. |
| **Section E:** Effective and Established Mitigation | This section involves describing any potential environmental effects associated with the project identified in Section D, establishing if they're |

| EEE Section | Description And Guidance |
|---|---|
| Measures | biophysical, socio-economic or both, and defining the corresponding effective and established mitigation measure which will be used to manage the environmental effect. A row should be completed for each potential environmental effect. |
| **Section F:** Other Environmental Effects and Mitigation Measures | This section involves describing potential environmental effects and corresponding mitigation measures which do not meet the definition of effective and established, or which the Authority decides requires a more robust process. In completing this, Authorities need to identify the residual effect, that is, the effect after mitigation measures are taken into account, as it relates to different criteria.<br><br>Specifically, Authorities will be required to identify:<br>▪ The magnitude of residual effect;<br>▪ The reversibility of residual effect;<br>▪ The geographic extent of residual effect;<br>▪ The duration of residual effect; and<br>▪ The frequency of residual effect.<br><br>Following this analysis, Authorities must ultimately identify if the residual environmental effect is significant or not. |
| **Section G:** Determination | Based on the contents of the form, the Authority should determine if a project is likely to cause significant adverse environmental effects. If any of the effects recorded in the Section F tables were determined to generate significant residual effects, the project should be classified as *likely to cause significant adverse effects.* |
| **Section H:** Sign-off and Approval | The Authority who completed the form must sign off in Section H. In cases where multiple Authorities cooperatively undertook the determination process, each Authority should sign off on the document. |
| **Annex: Resources & References** | Authorities should list any resources or references that were used in making the determination. These can include scholarly articles, studies, or any human resources not described in Section C. |

# Step 4: Final Determination

Based on the results of Step 3, projects will be determined as either unlikely to cause significant adverse environmental effects or likely to cause significant adverse environmental effects.

## 4a. UNLIKELY TO CAUSE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS

The project has been deemed unlikely to cause significant adverse environmental effects and as such the Authority can carry out the project or exercise a power, or perform the duty or function that could permit the project to proceed. In cases where the project was classified as 'basic', the project should be carried out with any mitigation measures listed in the MMF. In cases where the project was classified as non-basic, the project should be carried out with those mitigation measures described in the EEE.

It is the responsibility of the Authority to ensure the implementation of mitigation measures. Authorities who make a determination on whether or not a project should be carried out on federal lands will, in most cases, issue a permit or authorization, and/or prepare some other form of agreement, to which mitigation measures can be linked. The proponent would have to implement mitigation measures in order not to contravene the terms of the authorization or agreement.

## 4b. LIKELY TO CAUSE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS

The project has been deemed likely to cause significant adverse environmental effects. The Authority now has two options:

- The Authority must not carry out the project; or
- The Authority may refer the project to the GIC for a decision on whether the significant adverse environmental effects are justified in the circumstances and that the project can proceed. See Section 69 for additional information. All reasonable mitigation efforts should be applied in these circumstances.

# Step 5: Follow up on Predictions and Mitigation Measures

Though not a requirement of CEAA 2012, Authorities are strongly encouraged to follow up on predictions where there is uncertainty to check the accuracy of their assumptions and the effectiveness of mitigation measures. When making predictions about environmental impacts, or the effectiveness of mitigation measures, there is always a risk of being wrong, therefore consideration should be given to monitoring the potential effects and adapting mitigation measures as needed.

The Guide offers no prescriptive advice on follow-up procedures, rather leaving it up to individual Authorities and existing departmental/agency procedures.

# Appendix A: Definitions

**Authority** is defined in section 66 of CEAA 2012 as a federal Authority; and any other body that is set out in Schedule 3 of CEAA 2012.

**Designated Project** is defined in section 2(1) of CEAA 2012 as: one or more physical activities that:

(*a*) are carried out in Canada or on federal lands;

(*b*) are designated by regulations made under paragraph 84(*a*) or designated in an order made by the Minister under subsection 14(2); and

(*c*) are linked to the same federal Authority as specified in those regulations or that order.

It includes any physical activity that is incidental to those physical activities.

**Environmental Effects** are defined in section 5 of CEAA 2012 as:

5(1) (*a*) a change that may be caused to the following components of the environment that are within the legislative Authority of Parliament:

> (i) fish as defined in section 2 of the *Fisheries Act* and fish habitat as defined in subsection 34(1) of that Act,
>
> (ii) aquatic species as defined in subsection 2(1) of the *Species at Risk Act*,
>
> (iii) migratory birds as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*, and
>
> (iv) any other component of the environment that is set out in Schedule 2;

5(1) (*b*) a change that may be caused to the environment that would occur

> (i) on federal lands,
>
> (ii) in a province other than the one in which CEAA 2012 or thing is done or where the physical activity, the designated project or the project is being carried out, or
>
> (iii) outside Canada; and

5(1) (*c*) with respect to aboriginal peoples, an effect occurring in Canada of any change that may be caused to the environment on

> (i) health and socio-economic conditions,
>
> (ii) physical and cultural heritage,
>
> (iii) the current use of lands and resources for traditional purposes, or

(iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.

5 (2) However, if the carrying out of the physical activity, the designated project or the project requires a federal Authority to exercise a power or perform a duty or function conferred on it under any Act of Parliament other than this Act, the following environmental effects are also to be taken into account:

(a) a change, other than those referred to in paragraphs (1)(a) and (b), that may be caused to the environment and that is directly linked or necessarily incidental to a federal Authority's exercise of a power or performance of a duty or function that would permit the carrying out, in whole or in part, of the physical activity, the designated project or the project; and

(b) an effect, other than those referred to in paragraph (1)(c), of any change referred to in paragraph (a) on

(i) health and socio-economic conditions,

(ii) physical and cultural heritage, or

(iii) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.

5 (3) The Governor in Council may, by order, amend Schedule 2 to add or remove a component of the environment.

**Federal Authority** is defined in section 2(1) of CEAA 2012 as:

(a) a Minister of the Crown in right of Canada;

(b) an agency of the Government of Canada or a parent Crown corporation, as defined in subsection 83(1) of the *Financial Administration Act*, or any other body established by or under an Act of Parliament that is ultimately accountable through a Minister of the Crown in right of Canada to Parliament for the conduct of its affairs;

(c) any department or departmental corporation that is set out in Schedule I or II to the *Financial Administration Act*; and

(d) any other body that is set out in Schedule 1.

**Federal Lands** are defined by section 2(1) of CEAA 2012 as:

(*a*) lands that belong to Her Majesty in right of Canada, or that Her Majesty in right of Canada has the power to dispose of, and all waters on and airspace above those lands, other than lands under the administration and control of the Commissioner of Yukon, the Northwest Territories or Nunavut;

(*b*) the following lands and areas:

(i) the internal waters of Canada, in any area of the sea not within a province,

(ii) the territorial sea of Canada, in any area of the sea not within a province,

(iii) the exclusive economic zone of Canada, and

(iv) the continental shelf of Canada; and

(*c*) reserves, surrendered lands and any other lands that are set apart for the use and benefit of a band and that are subject to the *Indian Act*, and all waters on and airspace above those reserves or lands.

**Physical activity** is defined as an activity in the life cycle of a physical work and includes construction, operation, expansion, decommissioning and abandonment.

**Physical work** is defined as anything that has been or will be constructed (human-made) and has a fixed location. Examples include a bridge, building or pipeline. Natural water bodies, airplanes and ships at sea are not physical works.

**Project** is defined by section 66 of CEAA 2012 as a physical activity that is carried out on federal lands or outside Canada in relation to a physical work and is not a designated project.

The **Responsible Authorities**, as defined in Section 15 of CEAA 2012, with respect to a designated project that is subject to an environmental assessment, are:

(*a*) the Canadian Nuclear Safety Commission, in the case of a designated project that includes activities that are regulated under the *Nuclear Safety and Control Act* and that are linked to the Canadian Nuclear Safety Commission as specified in the regulations made under paragraph 84(*a*) or the order made under subsection 14(2);

(*b*) the National Energy Board, in the case of a designated project that includes activities that are regulated under the *National Energy Board Act* or the *Canada Oil and Gas Operations Act* and that are linked to the National Energy Board as specified in the regulations made under paragraph 84(*a*) or the order made under subsection 14(2);

(*c*) the federal Authority that performs regulatory functions, that may hold public hearings and that is prescribed by regulations made under paragraph 83(*b*), in the case of a designated project that includes activities that are linked to that federal Authority as specified in the regulations made under paragraph 84(*a*) or the order made under subsection 14(2); or

(*d*) the Agency, in the case of a designated project that includes activities that are linked to the Agency as specified in the regulations made under paragraph 84(*a*) or the order made under subsection 14(2).

# Appendix B: Project Classification Checklist (Step 2a)

**Instructions:** Complete the following checklist in order to classify a project as either basic or non-basic. Certain sections include *explanation and guidance* sections to assist Authorities in properly completing the checklist. See Step 2a of the attached guide for additional help.

| Project Name: |
|---|

**Section A:** Are the expected potential impacts of this project limited to the interior of a building?

| | |
|---|---|
| ☐ YES | **Basic project.** Complete sections E and F and continue to complete an MMF (Step 3a) |
| ☐ NO | Continue to Section B |

***Explanation and Guidance***

*Instances where any potential effects of a project are limited to the interior of a building are automatically deemed as unlikely to cause adverse environmental effects.*

Biophysical Effects *5(1)a&b*

**Section B:** Does the project have the potential to negatively affect the environment?

| | |
|---|---|
| ☐ YES | Continue to Section B-1 |
| ☐ NO | Continue to Section C |
| ☐ UNKNOWN | **Non-Basic project.** Complete sections E and F and continue to complete an EEE (Step 3b) |

***Explanation and Guidance***

*Consider the below questions in answering Section B. Answers of 'yes' to any of these guidance questions will likely translate to an answer of 'yes' to Section B. Consult section 5 of CEAA 2012 for more clarity on what constitutes an environmental effect under CEAA 2012. Further project information or research may be required to answer these questions.*

- **Does the project have the potential to harmfully alter, disturb or destroy vulnerable natural features (e.g. habitat for endangered species, water source for a town, wetlands.)?**
- **Does the project have the potential to release a polluting substance into the land, water, or air?**
- **Does the project have the potential to cause land use changes (e.g. resource extraction, deforestation, clearing of vegetation,.)?**
- **Does the project have the potential to affect birds and wildlife (flora and fauna), including species at risk and its critical habitat?**
- **Does the project have the potential to result in alteration of water level, quality, flow or management regime in a water body, or result in other important changes to surface or groundwater resources (including well-water)?**
- **Does the project have the potential to cause sensory disturbances such as noise and/or vibrations?**

**B-1:** Can all of these effects be managed by "established and effective" mitigation measures?

| | |
|---|---|
| ☐ YES | Continue to Section C. |
| ☐ NO | **Non-Basic project.** Complete Sections E and F and continue to complete an EEE (Step 3b) |

Socio-Economic Effects (aboriginal peoples) *5(1)c*

**Section C:** Is the project likely to have an effect on aboriginal peoples resulting from a change to the environment?

| | |
|---|---|
| ☐ YES | Continue to C-1. |
| ☐ NO | Continue to Section D |
| ☐ UNKNOWN | **Non-Basic project.** Complete Sections E and F and continue to complete an EEE (Step 3b) |

***Explanation and Guidance***

*Consider the below bullets in answering Section C. Remember that only effects to aboriginal peoples which are caused by changes to the environment are considered. Consult section 5 of CEAA 2012 for more clarity on what constitutes an environmental effect under CEAA 2012.*

The effects to aboriginal peoples include:

- Health and Socio-economic conditions **(e.g. impact to an aboriginal fishery resulting from an change in fish population)**
- Physical and cultural heritage
- The current use of lands and resources for traditional purposes (e.g. hunting and gathering)
- Any structure site or thing that is of historical, archaeological, paleontological or architectural significance.

**C-1: Can all of these effects be managed by "established and effective" mitigation measures?**

| | |
|---|---|
| ☐ YES | Continue to Section D |
| ☐ NO | **Non-Basic project.** Complete Sections E and F and continue to complete an EEE (Step 3b) |

Socio-Economic Effects *5(2)b*

**Section D: Does the project have the potential to cause a change in the environment resulting from a related federal decision (power, duty or function) that may result in socio-economic impacts?**

| | |
|---|---|
| ☐ YES | Continue to Section D-1 |
| ☐ NO | **Basic project.** Complete Sections E and F and continue to complete an MMF (Step 3a) |
| ☐ UNKNOWN | **Non-Basic project.** Complete Sections E and F and continue to complete an EEE (Step 3b) |

***Explanation and Guidance***

*Consider the below bullets in answering Section D. Consult section 5 of CEAA 2012 for more clarity on what constitutes an environmental effect.*

Socio-economic effects include:

- Health and Socio-economic conditions **(e.g. impact to a commercial fishery resulting from an change in fish population)**
- Physical and cultural heritage
- Any structure site or thing that is of historical, archaeological, paleontological or architectural significance.

**D-1: Can all of these effects be managed by "established and effective" mitigation measures?**

| | |
|---|---|
| ☐ YES | **Basic project.** Complete Sections E and F and continue to complete an MMF (Step 3a) |
| ☐ NO | **Non-Basic project.** Complete Sections E and F and continue to complete an EEE (Step 3b) |

**Section E: Project Classification Conclusion**

| | |
|---|---|
| ☐ | **Basic Project requiring the completion of a Mitigation Measures Form (MMF)** |
| ☐ | **Non-basic project requiring the completion of an Environmental Effects Evaluation (EEE)** |

**Section F: Sign Off (if applicable)**

**Comments:** *Enter any additional comments you consider warranted here.*

| | | |
|---|---|---|
| **Completed by:** | | enter date |
| Name | Signature | Date |

# Appendix C: MMF: Basic Project Mitigation Measures Form (Step 3a)

This template is meant to be used by Authorities in determining the significance of potential adverse environmental effects of a proposed basic project, as well as outlining the associated mitigation measures.

## Section A: Project Identification

| | |
|---|---|
| **Project Title** | Succinct title accurately describing the project being assessed |
| **Project Location** | Area where the project will take place |
| **Lead Authority** | Name of Organization |
| **Contact Name:** | Name of contact |
| **Title:** | Role/Position |
| **Telephone No.** | Contact phone No. |
| **Email address:** | Contact email |
| **Other Authority(ies)** | Name of Organization(s) |
| **Contact Information (if required)** | If required, include relevant information such as contact person, telephone, etc. as done above. |

## Section B: Project Description and Description of the Environment

| | |
|---|---|
| **Project Description**: | A brief (few short sentences) description of the project, outlining key project details. The extent of the description should be commensurate with the size and complexity of the project. |
| **Description of the Environment (if applicable)**: | **A brief description of the environment, outlining key environmental features.** |

## Section C: Resources

| | |
|---|---|
| **Resources consulted** | List any resources consulted with in the completion of this form (e.g. expert departments, external sources, scientific articles, codes of practice, etc.) |

## Section D: Mitigation Measures Requirement

**Check the following box if <u>no</u> mitigation measures are required. If mitigation measure are required, proceed to section E.**

| | | |
|---|---|---|
| ☐ | **No mitigation measures are required as one or more of the following conditions apply.** | |
| | ☐ | **Potential impacts are limited to the interior of a building** |
| | ☐ | **There are no potential adverse biophysical and/or socio economic effects** |
| | *Continue to Section F. Do not complete Section E.* | |

## Section E: Identify Environmental Effects & Mitigation Measures

**Summarize the potential adverse environmental effects as well as any corresponding effective and established mitigation measures which will be implemented should the project proceed. Establish if the environmental effect is biophysical (B.P.) and/or socio-economic (S.E.) by checking the corresponding box for each completed row. Consult Step 3a of the Guide for help determining what constitutes biophysical and socio-economic effects. Add rows as needed.**

| Environmental Effect | B.P. | S.E. | Effective and Established Mitigation Measure |
|---|---|---|---|
| Describe the potential adverse biophysical or socio-economic effects stemming from the project | ☐ | ☐ | Describe the effective and established mitigation measure which will be used to manage corresponding potential adverse biophysical and/or socio-economic effect |

## Section F: Determination

**Taking into account implementation of mitigation measures outlined in the analysis, this project:**

| | |
|---|---|
| ☐ | **Is not likely to cause significant adverse environmental effects** |
| ☐ | **Requires further analysis. Complete an Environmental Effects Evaluation (Step 3b)** |

## Section G: Sign-off and Approval

**Completed by:**

| **Comments:** *Enter any additional comments you consider warranted here.* | | |
|---|---|---|
| Name<br>Organization | | enter date |
| | Signature | Date |

**Copy and paste the below table for each Authority, as required, which approves the information and decisions described in this form.**

**Sign-off and Approval:**

| **Comments:** *Enter any additional comments you consider warranted here.* | | |
|---|---|---|
| Name<br>Organization | | enter date |
| | Signature | Date |

# Appendix D: EEE: Non-Basic Project Environmental Effects Evaluation Form (Step 3b)

This template is meant to be used by Authorities in determining the significance of potential adverse environmental effects of a proposed non-basic project, as well as outlining the associated mitigation measures.

## Section A: Project Identification

| | |
|---|---|
| **Project Title** | Succinct title accurately describing the project being assessed |
| **Project Location** | Area where the project will take place |
| **Lead Authority** | Name of Organization |
| **Contact Name:** | Name of contact |
| **Title:** | Role/Position |
| **Telephone No.** | Contact phone No. |
| **Email address:** | Contact email |
| **Other Authority(ies) Contact Information (if required)** | Name of Organization(s)<br>If required, include relevant information such as contact person, telephone, etc. as done above |

## Section B: Project Description and Description of the Environment

| | |
|---|---|
| **Project Description:** | A brief (few short sentences) description of the project, outlining key project details. The extent of the description should be commensurate with the size and complexity of the project. |

**Complete the below table in detail commensurate with the complexity and potential for environmental effects attached to each project phase. Keep the project phases in work sequence if possible. Add additional rows as required.**

| Project Phase | Project activities/components (core and ancillary) |
|---|---|
| Site preparation, construction, installation, operation, decommissioning, etc. | Describe the project activities, both core and ancillary, which correspond to each project phase. |

| | |
|---|---|
| **Description of the Environment (if applicable):** | **A brief description of the environment, outlining key environmental features.** |

## Section C: Consultation and Engagement

| | |
|---|---|
| **Is there public concern accompanying this project?**<br>☐ **Yes** ☐ **No** | If yes, summarize the nature and extent of concern. |
| **Was the public consulted?**<br>☐ **Yes** ☐ **No** | If yes, describe the process and summarize the comments. |

| | |
|---|---|
| **Were Aboriginal Peoples engaged?** ☐ Yes ☐ No | If yes, describe the process and summarize the comments |
| **Were other experts/ jurisdictions consulted?** ☐ Yes ☐ No | List any experts or other jurisdictions which were consulted and summarize the comments |
| **How have you addressed the concerns that were raised?** | Describe how any concerns that were raised during the engagement and consultation process were addressed |

## Section D: Identify Environmental Effects

**Complete the following tables in order to identify the relevant potential adverse environmental effects. Answers of "Yes, and can be managed through Effective and Established Mitigation Measures" should be addressed in Section E. Answers of "Yes, but must be managed through other mitigation measures" should be addressed in Section F. Refer to the section 5 guidance for additional information.**

| Biophysical effects: **Does the project have the potential to:** | NO | Yes, and can be managed through Effective and Established Mitigation Measures | Yes, but must be managed through other mitigation measures |
|---|---|---|---|
| [**Harmfully alter, disturb, or destroy vulnerable natural features**? | ☐ | ☐ | ☐ |
| Release a polluting substance into the land, water, or air? | ☐ | ☐ | ☐ |
| Alter landscape features (e.g. resource extraction, deforestation, clearing of vegetation,.)? | ☐ | ☐ | ☐ |
| Affect birds and wildlife (flora and fauna), including species at risk and its critical habitat? | ☐ | ☐ | ☐ |
| Result in alteration of water level, quality, flow or management regime in a water body, or result in other important changes to surface or groundwater resources (including well-water)? | ☐ | ☐ | ☐ |
| Cause sensory disturbances, such as noise and/or vibrations? | ☐ | ☐ | ☐ |
| Cause any other change to the environment on federal lands or incidental to a federal decision? If so, define: | ☐ | ☐ | ☐ |

| Socio-economic effects (Aboriginal Peoples): Does the project have the potential to result in changes to the environment that may impact aboriginal peoples, specifically: | NO | Yes, and can be managed through Effective and Established Mitigation Measures | Yes, but must be managed through other mitigation measures |
|---|---|---|---|
| Health and Socio-economic conditions(e.g. impact to an aboriginal fishery resulting from an change in fish population) | ☐ | ☐ | ☐ |
| Physical and cultural heritage | ☐ | ☐ | ☐ |
| The current use of lands and resources for traditional purposes (e.g. hunting and gathering) | ☐ | ☐ | ☐ |
| Any structure site or thing that is of historical, archaeological, paleontological or architectural significance. | ☐ | ☐ | ☐ |

| Socio-economic effects (general): **Does the project have the potential to cause a change in the environment resulting from a related federal decision (power, duty or function) that may result in impacts to:** | NO | Yes, and can be managed through Effective and Established Mitigation Measures | Yes, but must be managed through other mitigation measures |
|---|---|---|---|
| Health and Socio-economic conditions(e.g. impact to a commercial fishery | ☐ | ☐ | ☐ |

| | | | |
|---|---|---|---|
| resulting from an change in fish population) | | | |
| Physical and cultural heritage | ☐ | ☐ | ☐ |
| Any structure site or thing that is of historical, archaeological, paleontological or architectural significance. | ☐ | ☐ | ☐ |

## Section E: Established and Effective Mitigation Measures

**Summarize the potential adverse environmental effects as well as any corresponding effective and established mitigation measures which will be implemented should the project proceed. Establish if the environmental effect is biophysical (B.P.) and/or socio-economic (S.E.) by checking the corresponding box for each completed row. Consult Step 3b of the Guide for help determining what constitutes biophysical and socio-economic effects. Add rows as needed.**

| Environmental Effect | B.P. | S.E. | Effective and Established Mitigation Measure |
|---|---|---|---|
| Describe the potential adverse biophysical or socio-economic effects stemming from the project. | ☐ | ☐ | Describe the effective and established mitigation measure which will be used to manage corresponding potential adverse biophysical and/or socio-economic effect |

## Section F: Other Environmental Effects and Mitigation Measures

**Complete the following table for potential environmental effects and corresponding mitigation measures which do not meet the definition for effective and established. Consult Step 3b of the Guide for help determining what constitutes environmental effects. Copy and paste the table as many times as necessary.**

| Potential adverse environmental effect | | | Proposed Mitigation Measure | |
|---|---|---|---|---|
| Describe the interaction between the project activities and environmental components | | | Describe related mitigation measures | |
| **Magnitude of residual effect** | **Reversibility of residual effect** | **Geographic Extent of residual effect** | **Duration of residual effect** | **Frequency of residual effect** |
| Small/ moderate/ large. | Reversible/ irreversible. | Immediate/ local/ regional | Short-term/ medium-term/ long-term. | Once/ intermittent/ continuous. |
| **Residual Effects** | Select significance of residual effects. | | | |
| **Monitoring** | Required/not required. Expand as necessary. | | | |
| **Comments** | Any additional comments. | | | |

## Section G: Determination

**Taking into account implementation of mitigation measures outlined in the analysis, this project is:**

| | |
|---|---|
| ☐ | **Not likely to cause significant adverse environmental effects** |
| ☐ | **Likely to cause significant adverse environmental effects** |

## Section H: Sign-off and Approval

**Completed by:**

| |
|---|
| **Comments:** *Enter any additional comments you consider warranted here.* |

| | | |
|---|---|---|
| Name<br>Organization | | enter date |
| | Signature | Date |

**Copy and paste the below table for each Authority, as required, which approves the information and decisions described in this form.**

**Sign-off and Approval:**

| **Comments:** *Enter any additional comments you consider warranted here.* | | |
|---|---|---|
| Name<br>Organization | | enter date |
| | Signature | Date |

## Annex: Resources & References

| **Resources** | **Comments** |
|---|---|
| | |